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E30

ACTION WHA-00

RELEASED IN PART

B1, 1.4(D)

INFO	LOG-00	NP-00	AID-00	CIAE-00	INL-00	DODE-00	DOEE-00
	DOTE-00	PERC-00	DS-00	EB-00	FAAE-00	VC-00	H-00
	TEDE-00	INR-00	L-00	CAC-00	VCE-00	AC-00	NSAE-00
	OIG-00	OMB-00	PA-00	PM-00	PRS-00	ACE-00	P-00
	CFPP-00	FMPC-00	SP-00	SSO-00	SS-00	TRSE-00	ECA-00
	IIP-00	PMB-00	DSCC-00	PRM-00	DRL-00	G-00	FDIC-01
	NFAT-00	SAS-00	/001W				

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O 301222Z SEP 04  
 FM AMEMBASSY CARACAS  
 TO SECSTATE WASHDC IMMEDIATE 7884  
 INFO AMEMBASSY BOGOTA PRIORITY  
 AMEMBASSY LA PAZ PRIORITY  
 AMEMBASSY LIMA PRIORITY  
 AMEMBASSY QUITO PRIORITY  
 HQ USSOUTHCOM MIAMI FL PRIORITY  
 NSC WASHDC PRIORITY  
 USINT HAVANA PRIORITY

C O N F I D E N T I A L CARACAS 003070

NSC FOR CBARTON  
 USCINCSO ALSO FOR POLAD  
 STATE PASS USAID FOR DCHA/OTI

E.O. 12958: DECL: 09/30/2014  
 TAGS: PGOV, KDEM, PHUM, VE  
 SUBJECT: VENEZUELA: CNE DISCARDS FRAUD CHALLENGES

REF: CARACAS 2840

Classified By: Abelardo A. Arias, Political Counselor,  
 for Reasons 1.4(b).

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 Summary  
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1. (U) Venezuela's National Electoral Council (CNE) found the Coordinadora Democratica's challenge of the results of the August 15 recall referendum against President Hugo Chavez inadmissible on September 23 and said the matter should be taken to the Supreme Court instead. CNE Director Jorge Rodriguez nonetheless then attempted to refute the opposition's case, point by point, in a national broadcast on September 24. Rodriguez accused the opposition of trying to discredit the CNE and warned that from now on accusers who

UNITED STATES DEPARTMENT OF STATE  
 REVIEW AUTHORITY: MELVIN E SINN  
 DATE/CASE ID: 24 JUN 2005 200404746

UNITED STATES DEPARTMENT OF STATE  
 REVIEW AUTHORITY: APPEALS REVIEW PANEL  
 APPEAL ACTION: ORIGINAL DECISION UPHELD  
 REASON(S): B1, 1.4(D)  
 DATE/CASE ID: 11 OCT 2007 200404746  
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cannot present proof of CNE wrongdoing could face reprisal in court. On September 27, pro-opposition CNE Vice President Ezequiel Zamora resigned, citing differences of opinion with the pro-Chavez majority on the board and noting especially his disagreement with the handling of the recall referendum. GOV supporters charged that Zamora's resignation is part of an opposition plot to delay the October 31 regional elections. Legal experts expect the Supreme Court to name a replacement for Zamora, though for the time being the CNE can continue to function with the four remaining members. End Summary.

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**Rodriguez Lashes Out**  
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2. (U) Venezuela's National Electoral Council (CNE) on September 23 found inadmissible the Coordinadora Democratica's administrative appeal to the results of the August 15 presidential recall referendum. The Coordinadora had challenged the results citing irregularities in the electoral registry and fraud on election day (ref). Despite refusing to admit the complaint, CNE Director Jorge Rodriguez presented arguments against the Coordinadora's claims on September 24 in a national broadcast carried obligatorily on every television and radio station ("cadena"). The electoral registry used for the recall was legal, Rodriguez asserted, and claimed that the time to object to it was 30 days prior to election day. Rodriguez also repudiated the opposition's claims of GOV tampering with electoral software and data transmission, claiming that Coordinadora representatives were allowed to audit the voting machines beforehand. Rodriguez argued that the statistical analysis presented by the NGO Sumate used only exit polls that agreed with their premise and not polls performed by other pollsters.

3. (U) Rodriguez said that the CNE had adequately addressed the opposition's assertions. Rodriguez warned that from now on anyone who makes allegations of impropriety against the CNE not supported by solid evidence would be taken to "national or international" court, if necessary. Rodriguez specifically mentioned Sumate representative Maria Corina Machado, the Coordinadora's fraud report author Tulio Alvarez, and professors Ricardo Hausmann and Roberto Rigobon, who performed the statistical analysis used by Sumate. Rodriguez's broadcast used splashy production techniques and tight close-ups during dramatic moments. His presentation of the opposition's allegations tended to be incomplete. He also referred at times to absurd rumors that were not alleged in the Coordinadora's report, such as the use of Cuban

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satellites to intercept electoral data transmissions.

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**Alvarez Fights Back**  
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4. (U) Tulio Alvarez, who led the team of 44 people who compiled the Coordinadora's appeal, told reporters on September 25 that Rodriguez had not refuted any of the opposition's charges. Alvarez said Rodriguez's broadcast, in fact, confirmed two allegations: that some areas of Venezuela have more registered voters than inhabitants and that the voting machines are bi-directional. Alvarez said the CNE board had not followed proper procedures by rejecting the Coordinadora's appeal out-of-hand without formally opening an investigation. Alvarez asserted this proved that

the CNE is subordinated to President Hugo Chavez. He called on the two pro-opposition directors of the CNE, Ezequiel Zamora and Sobella Mejias, to resign. Alvarez said he plans to issue a final report of the Coordinadora's allegations on October 15.

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**Pro-Opposition CNE Vice President Zamora Resigns**  
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5. (U) On September 27, pro-opposition CNE Vice President Ezequiel Zamora presented his resignation to Supreme Court (TSJ) President Ivan Rincon. Zamora based his resignation on the CNE's failure to carry out a transparent and efficient electoral process on August 15. He said the process was marred by excessive waits in line and inadequate auditing practices. Zamora also decried the systematic replacement of CNE technicians with political sympathizers of the government, saying it had led to a loss of the CNE's institutional integrity. Zamora noted growing differences of opinion between him and the three pro-Chavez directors, who he said had become inflexible. Zamora said he had not resigned immediately after the referendum because he had no proof of fraud. He said he also believed he could convince the CNE board to revise the voting process for the October 31 regional elections, but he now discounts that possibility. Separately, pro-opposition CNE Director Sobella Mejias announced she would not resign so as not to "surrender space" to the GOV.

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**Chavez Supporter Charge Conspiracy**  
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6. (U) William Lara, a National Assembly Deputy and leader of Chavez's Fifth Republic Movement (MVR), called Zamora's resignation part of an opposition plot to discredit the CNE and delay the regional elections, which, Lara added, the opposition is sure to lose. National Assembly Vice President Ricardo Gutierrez (of the pro-Chavez Podemos party) defended the CNE majority, which he said had acted democratically and with moral authority. Minister of Interior and Justice Jesse Chacon said Zamora's leaving was expected and quipped that Zamora would probably end up as campaign manager of Coordinadora leader Enrique Mendoza, who is running for re-election as governor of Miranda State. CNE President Francisco Carrasquero told reporters on September 28 that if there were irregularities in the CNE, then Zamora was party to them as he signed on to 90 percent, he claimed, of the CNE's decisions.

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Moving On  
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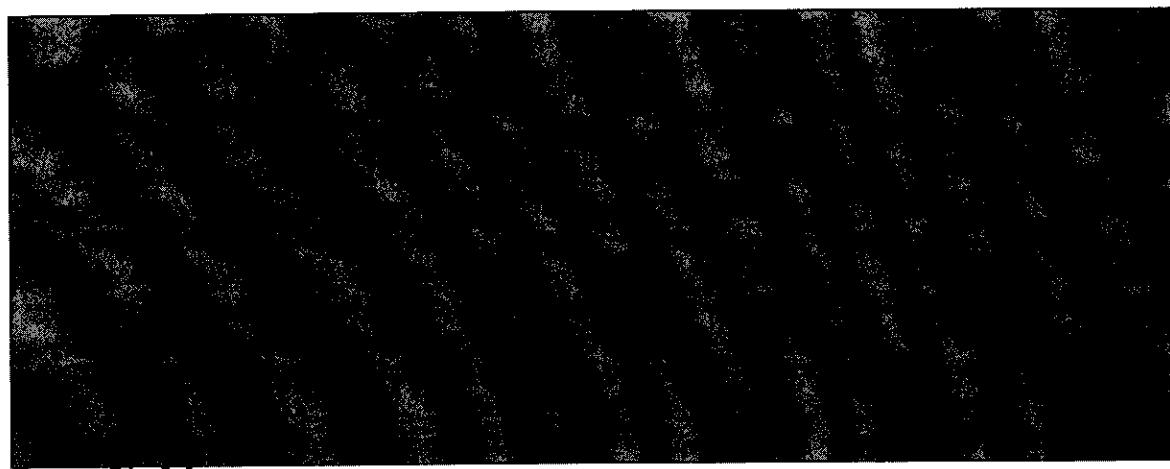
7. (U) According to the constitution, the CNE should have been named by the National Assembly, but the latter deadlocked on the issue in 2003. As a result, the TSJ's constitutional chamber found the Assembly "in omission" and proceeded to name the members. CNE legal advisor Andres Brito recommended to the board that Zamora's replacement also be named by the constitutional chamber rather than submit the question to the National Assembly, according to press reports. The law provides for the temporary incorporation of one of Zamora's two alternates while awaiting TSJ action, but pro-Chavez politicians have already scuttled the idea. Zamora's two alternates, Miriam Kornblith and Carolina Jaimes, are outspoken critics of the CNE's pro-GOV majority. An effort to incorporate Kornblith several months ago when Zamora became ill was similarly rejected.

8. (U) The CNE board minus Zamora proceeded on September 28 to approve the rules for tallying the results of the regional elections (Mejias abstained). The rules reportedly maintain the same procedure as that used in the recall referendum, most notably, the transmission of voting machine results to the CNE before the machines print the tally sheets. This was perhaps the most criticized feature of the recall referendum voting procedure, as the opposition alleges the voting machines may be re-programmed by the CNE server during the data transmission and thereby produce altered tally sheets. The CNE also agreed to not/not count the paper receipts, as the opposition has demanded.

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**Comment**  
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